

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Sheet Metal Workers Local  
Union 24 Joint Apprenticeship  
and Training Committee, et al.,

Plaintiffs,

v.

Case No. 15-cv-2083

R&C Construction Services  
Co., LLC,

Defendant.

ORDER

The record indicates that the clerk entered default against defendant on August 21, 2015. However, plaintiffs filed no motion for default judgment. By order filed on September 22, 2015, plaintiffs were directed to file a status report within fourteen days if they had not yet filed a motion for default judgement. Plaintiffs failed to comply with this order. An order filed on October 16, 2015, ordered plaintiffs within fourteen days to apply for default judgment or to show cause why the case should not be dismissed for want of prosecution. After plaintiffs failed to respond to this order, the magistrate judge filed a report and recommendation on November 9, 2015, recommending that the case be dismissed with prejudice for failure to prosecute.

The parties were advised that the failure to object to the report and recommendation within fourteen days "will result in a waiver of the right to *de novo* review by the district Judge and waiver of the right to appeal the judgment of the District Court." Doc. 9, p. 3. No objections to the report and recommendation have been filed. The court will adopt the magistrate judge's

recommendation that the case be dismissed for failure to prosecute. However, that dismissal will be without prejudice.

Accordingly, the court adopts the report and recommendation (Doc. 9) in part, and this action is dismissed without prejudice for failure to prosecute.

Date: November 30, 2015

s/James L. Graham  
James L. Graham  
United States District Judge